

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, ID 83701-0790

Docket No. **02-0601-9801**, Rules Governing the Pure Seed Law. Establishes a seed dealer's license fee structure for services rendered (conditioning, labeling, and selling seed) where seed dealers will pay only for the service or services they render. Comment By: 8-26-98.

IDAPA 08 - STATE BOARD OF EDUCATION P.O. Box 83720, , ID 83270-0037

Docket No. **08-0111-9801**, Out-Of-State Institutions, In-State Nonaccredited Institutions, and Correspondence or Private Courses. Addresses the statutory requirements for the registration of out-of-state and non-accredited schools in Idaho. Comment By: 8-26-98

Docket No. **08-0201-9801**, Rules Governing Administration. Changes will govern the application and hearing procedures for alteration of school boundary requests to the State Board of Education. Comment By: 8-26-98.

Docket No. **08-0204-9801**, Rules Governing Charter Schools. Addresses the registration process for charter schools in Idaho. Comment By: 8-26-98.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT P.O. Box 700, Meridian, ID 83680-0700

Docket No. **11-0301-9802**, Rules Governing Alcohol Testing, Idaho State Forensic Laboratory. Changes allow Department to determine the methodology, approval and certification requirements for laboratories performing breath alcohol concentration. Comment By: 8-26-98.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, ID 83720-0036

Docket NO. **16-0101-9801**, Rules Governing the Control of Air Pollution in Idaho. Simplifies the language and clarifies existing requirements for Tier I operating permit revisions, including administrative amendments, modifications, and re-openings. Comment By: 9-11-98.

Docket No. **16-0309-9809**, Rules Governing Medical Assistance. Adds clarification to definition of prosthetic devices that it does not include computerized communication devices; adds a definition of speech and language services; and adds existing Medicaid reimbursable services to the options of health related services that school districts can bill Medicaid for when such services are identified on the student's Individualized Education Program plan. Comment By: 8-26-98.

Docket No. **16-0601-9601**, Rules Governing Social Services. Repeal of chapter. Comment By: 8-26-98.

Docket No. **16-0601-9802** , Rules Governing Family and Children's Services. Rewrite changes name of chapter and conforms to Public Law and federal statutory changes. Comment By: 8-26-98.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE P.O. Box 83720, Boise, ID 83720-0043

Docket No. **18-0150-9801**, Adoption of the 1994 Uniform Fire Code. Repeal of chapter. Comment By: 8-26-98.

Docket No. **18-0150-9802**, Adoption of the 1997 Uniform Fire Code. Rewrite of chapter adopts current code. Comment By: 8-26-98.

IDAPA 22 - STATE BOARD OF MEDICINE 280 North 8th Street, Boise, ID 83720

Docket No. **22-0101-9801**, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery. Defines "consultation" which provides an exemption for medical licensure in Idaho and to deal with the increase in the practice of telemedicine across state lines; and for purposes of defining sexual contact, misconduct and exploitation of patients by physicians, changes were made to the rule governing sexual contact. Comment By: 8-28-98.

Docket No. **22-0103-9801**, Rules for the Licensure of Physician Assistants. Amends requirements for physician assistant licensure; establishes requirement for a Delegation of Services Agreement which defines the working relationship and

delegation of duties between the supervising physician and physician assistant; and expands prescriptive authority for PAs to include all legend drugs and controlled substances. Comment By: 8-28-98.

Docket No. **22-0104-9801**, Rules for the Registration of Supervising Physicians. House Bill 662 provides for the licensure of advanced practice nurses and for supervision by physicians licensed in Idaho and registered by the Board of Medicine as Supervising Physicians which requires rule changes to incorporate the certified nurse-midwife and clinical nurse specialist in the current rules for supervising physicians. Comment By: 8-28-98.

Docket No. **22-0105-9801**, Rules for the Registration of Physical Therapists and Physical Therapist Assistants. Removes the 45 day waiting period required for permanent registration by examination and removes the provisions for temporary registration. Comment By: 8-28-98.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSING
1109 Main Street, Ste. 220, Boise, Idaho 83702

Docket No. **24-1801-9801**, Rules of the Real Estate Appraisers Board. Deletes requirement that an applicant for licensure/ certification must have a College Degree or Associated College Degree or its equivalent to obtain a license. Comment By: 8-26-98.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720, Boise, ID 83720-0074

Docket No. **31-4101-9801**, Telephone Customer Relations Rules. Addresses concerns about "cramming" (invalid or unclear charges for services other than local exchange services), "slamming" (unauthorized switching of customers' exchange carriers), and held orders; changes mailing address, corrects typos, and others. Comment By: 8-26-98.

IDAPA 32 - PUBLIC WORKS CONTRACTORS STATE LICENSES BOARD
55 N. Orchard, Suite 107, Boise, Idaho 83720-0073

Docket No. **32-0101-9801**, Rules of the Public Works Contractors Licenses Board. Makes changes in terminology; clarifies that Board designates the legal counsel, defines "supplier", and exempts suppliers from licensing; clarifies procedures for upgrade application; provides for a construction manager initial examination and licensing fee, a license renewal fee, and an inactive license fee; eliminates specialty construction as a separate class, changes the term "liquidity" to "working capital", provides for indemnification to the Board if the applicant's financial resources do not meet the minimum requirements, and increases financial guideline amounts for Class AAA, AA, A and B licenses and reduces amounts for Class C and D licenses; clarifies that total bid cost includes aggregate total of all bids of the subcontractors; clarifies that license numbers of specialty categories licensed by the state must be on the application and a copy of the license must accompany the application; includes limited liability partnerships and limited liability companies as applicants and clarifies that all members of a joint venture must be licensed at time of bid; eliminates requirement that licensee must physically return a license in order for it to be changed; incorporates the APA and the Idaho Rules of Practice and Procedure in the disciplinary process; removes obsolete rules. Comment By: 8-26-98.

Docket No. **32-0102-9801**, General Rules, Repeal of chapter. Comment By: 8-26-98.

IDAPA 35 - STATE TAX COMMISSION
P.O. Box 36, Boise, ID 83722

Docket No. **35-0102-9801**, Idaho Sales and Use Tax Administrative Rules. Updates cross references and deletes old language; allows newspapers to use either the actual sales price of the 117% of cost, whichever is less for vending machine sales; adds statement that sign painters are required to pay sales tax on purchases of materials applied permanently and directly on buildings; changes INEL to the Idaho National Engineering and Environmental Laboratory; includes sales of dental prostheses and orthodontic appliances with the sales tax exemption; defines accounting procedures for use of Electronic Benefits Transfer Cards; includes partnerships and limited liability companies and their officers as being responsible for sales tax payments. Comment By: 8-26-98.

Docket No. **35-0106-9801**, Hotel/Motel Room and Campground Sales Tax. Clarifies that rooms let for recreational purposes by a university may be subject to sales tax but not hotel/motel tax. Comment By: 8-26-98.

IDAPA 38 - IDAHO DEPARTMENT OF ADMINISTRATION
P.O. Box 83720, Boise, Idaho 83720-0003

Docket No. **38-0404-9801**, Rules Governing Capitol Mall Parking. Corrects language for Administrative Appeals for this chapter. Comment By: 8-2-98.

IDAPA 45 - IDAHO HUMAN RIGHTS COMMISSION
P.O. Box 83720, Boise, Idaho 83720-0040

Docket No. **45-0101-9801**, Rules of the Idaho Human Rights Commission. Allows for administrative closure of cases by staff director and adds new rule to clarify legislation. Comment By: 8-26-98.

PUBLIC HEARINGS - Public Hearings have been scheduled for the following dockets:
Department of Health and Welfare

Docket No. **16-0101-9801**, Rules for the Control of Air Pollution in Idaho.

Docket No. **16-0601-9801**, Rules Governing Family and Children's Services.

Please refer to the Idaho Administrative Bulletin, **August 5, 1998, Volume 98-8** for notices and text of all rule-makings, public hearing schedules, governor's executives orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 334-3577 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are now available on the Internet at the following address: **<http://www.state.id.us/>** - from the Home Page select General Government, find Department of Administration, then Rules of the State of Idaho.